

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 15, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Jim Purucker, Connie Vickery, Bart Herriman, C. Tooman, Mark Webb, John Barnett, Grant Monahan, Greg Genrich, Rebecca Howard, Richard Northern, Paul Mannweiler, Paul Fine, Jim LaCrosse, John Baker and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the June 1, 2010 meeting. The motion was seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the June 15, 2010 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-03768 AMRIK GURNA SINGH – Hearing Judge Dunsmore noted this was a transfer of location and ownership that was recommended to be denied by the local board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation to deny the transfer of location and remand the transfer of ownership to the local board, due to the fact that the record is not clear as to whether or not the local board voted on the transfer of ownership. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred eighty (480) renewals approved, seventy-two (72) new and/or transfer permits approved, fourteen (14) permits approved for catering, two (2) permits approved for first year escrow, seven (7) permits approved for second year escrow, five (5) permits approved for third year escrow, three (3) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

W 49-09133 AND W 49-15036 REPUBLIC NATIONAL DISTRIBUTING COMPANY OF INDIANA, LLC – Commissioner Guthrie noted these are wholesaler transfer of ownership applications. Final inspections have been completed.

Chairman Snow asked Superintendent Huskey if everything was satisfactory with the Excise Police and he stated it was.

Commissioner Guthrie moved to approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR63-26869 PRIDES CREEK GOLF COURSE, INC. – Commissioner Guthrie noted this is a new type 209 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL75-26766 WALGREEN CO. – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-26730, DL49-26718, DL49-26725, DL49-26686, DL49-26734, DL49-26723, DL49-26733, DL49-26729, DL49-26732, DL49-26720, DL49-26735, DL49-26685, DL49-26726, DL49-26722 WALGREEN CO. – Commissioner Guthrie noted these are new type 208/208-3 applications with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make nine (9) permits inactive all are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

NON RULE POLICY #2 - Commissioner Guthrie stated this Non Rule Policy implements a uniform procedure for an appeal of a denial of a primary source registration, as authorized by IC 7.1-4-4.1-1.

Commissioner Guthrie moved to approve this Non Rule Policy, as written. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NON RULE POLICY #3 – Commissioner Guthrie stated this Non Rule Policy implements a uniform procedure for the appeal of a denial of a direct wine seller's application, as authorized by IC 7.1-3-26.

Commissioner Guthrie moved to approve this Non Rule Policy, as written. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER